

### **REMARKS**

Claims 1-35 were acted upon in the Action, dated 15 march 2010/ Claims 1-6 and 10 are cancelled. Claims 7-9 and 11-35 are amended. No claims are added.

Accordingly, claims 7-9 and 11-35 are submitted for consideration.

Support for the amendments to claims 7-9 is found, for example, in claims 1-3 and claim 10. Claims 11-35 are amended for antecedent basis issues and to update claim dependencies.

No new matter is added.

### **35 U.S.C. § 112 Written Description**

Claims 1-35 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Applicants respectfully traverse the rejection.

The Examiner has asserted that the claims encompass an incalculable number of combinations of sequences. However, the presently amended claims are directed a process for generating and detecting recombinant DNA sequences, not to the sequences themselves. There is no reason for the skilled artisan to envision the chemical structure of a polynucleotide because polynucleotides are not claimed.

Accordingly, applicants respectfully request that the rejections of claims 1-35 under 35 U.S.C. § 112, first paragraph (written description), be withdrawn.

### **Deposit Requirement**

Claims 10 and 15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the inventions.

Applicants respectfully traverse the rejection.

The Examiner's attention is directed to page 28, lines 15-20, of the description which states that "Plasmids pMXY9 and pMXY12 and the *Saccharomyces cerevisiae* strain MXY47 were deposited on the 3rd of January 2005 at the DSMZ (Deutsche Sammlung für Mikroorganismen und Zellkulturen GmbH, Mascheroderweg 1b, 38124

Braunschweig, Germany) under accession numbers DSM 17010, DSM 17011, and DSM 17026, respectively”. In support of this argument, attached are copies of the Certificates of Deposit for the plasmids and cell line.

Accordingly, applicants respectfully request that the rejections of claims 10 and 15 under 35 U.S.C. § 112, first paragraph (written description), be withdrawn.

**35 U.S.C. § 112, Second Paragraph**

Claims 1-35 stand rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps.

The Examiner has identified specific issues with claims 1, 2, and 6. All of these claims are cancelled.

Claims 7 and 8 are amended to recite “comprising an allelic position” instead of “bearing an allelic position.”

Accordingly, applicants respectfully request that the rejections of claims 1-35 under 35 U.S.C. § 112, second paragraph, be withdrawn.

**35 U.S.C. § 102**

Claims 1, 4-9, 13-14, 16-18, 20-23, 27 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Resnick et al. (U.S. Patent 6,391,642).

The recitation of claim 10, which is not included in the above-reference rejection, has been included in all of the pending independent claims of the present application. Accordingly, applicants respectfully request that the rejections of claims 1, 4-9, 13-14, 16-18, 20-23, 27 and 30 under 35 U.S.C. § 102 be withdrawn.

Respectfully submitted,

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